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Application No.: 10/675,070
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REMARKS/ARGUMENTS

A petition for a two month extension of time, and authorization to charge the fee is submitted herewith. Support for the amendments to claims 1 and 16 and new claims 17 and 18 may be found at page 3, lines 25-31. Entry of the amendments is respectfully requested.

Rejections under 35 U.S.C. §102(b)

Claims 1, 5-10, 12-15 are rejected under 35 U.S.C. 102(b) as anticipated by Vanderlaan et al. (WO 02/062402 A1). Claims 1 as presently amended recites a method of making an ophthalmic device comprising dissolving the uncured components in a diluent comprising α-methyl-ω-hydroxy poly(oxy-1,2-ethanediyl) to form a reactive monomer mix and curing said reactive monomer mix at a temperature below the Tg, of the uncured components in the monomer mix. Vanderlaan et al. does not disclose curing the reactive monomer mix at a temperature below the Tg, of the uncured components in the monomer mix. Claims 5-10, and 12-15 depend from claim 1, accordingly, Applicants respectfully submit that claims 1, 5-10 and 12-15 are novel over Vanderlaan et al. Vanderlaan et al. also do not disclose degassing said reactive monomer mix at about room temperature. Accordingly, new claims 17 and 18 are also novel over Vanderlaan et al.

Rejections under 35 U.S.C. §102(e)

Claims 1, 5-10, 12-14 are rejected under 35 U.S.C. 102(e) as anticipated by Marmo (US2004/0214914 A1). Claims 1 as presently amended recites a method of making an ophthalmic device comprising dissolving the uncured components in a diluent comprising α-methyl-ω-hydroxy poly(oxy-1,2-ethanediyl) to form a reactive monomer mix, and curing said reactive monomer mix at a temperature below the Tg, of the uncured components in the reactive monomer mix. Marmo et al. does not disclose curing the reactive monomer mix at a temperature below the Tg, of the uncured components in the monomer mix. Claims 5-10, and 12-14 depend from claim 1, accordingly, Applicants respectfully submit that claims 1, 5-10 and 12-14 are novel over Marmo et al. Marmo et al. also do not disclose degassing said

reactive monomer mix at about room temperature. Accordingly, new claims 17 and 18 are also novel over Marmo et al.

Rejections under 35 U.S.C. §103(a)

Claims 2-4, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Vanderlaan et al. (WO 02/062402 A1) or Marmo (US2004/0214914 A1) in view of Wichterle (US 4,534,916 A). Claims 2-4 depend from claim 1. Wichterle discloses including a surface active agent in the monomer mix. Wichterle discloses using a mixture of solvents, but does not disclose using α-methyl-ω-hydroxy poly(oxy-1,2-ethanediyl) as a solvent.

Applicants have found that the use of the α-methyl-ω-hydroxy poly(oxy-1,2-ethanediyl) as a diluent reduces the Tg and the viscosity of the reactive monomer mix so the reactive monomer mix can be cured for the prescribed time below the Tg, of the monomers in the monomer mix, which helps complete polymerization of all monomers used in the system. See page 3, line 25 – page 4, line 2. Claims 1 and 16 have been amended to recite that the reactive monomer mix is cured at a temperature below the Tg, of the uncured components in the reactive monomer mix. None of the references disclose or suggest this step. Accordingly, Applicants respectfully submit that the claims as amended, are patentable over Vanderlaan et al. or Marmo et al. in view of Wichterle.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Vanerlaan et al. (WO 02/062402 A1) or Marmo (US2004/0214914 A1) in view of Kunzler et al (US 5,006,622). Kunzler et al. discloses polymerization products made from mixtures including certain strengthening agents. Kunzler does not disclose using does not disclose using α-methyl-ω-hydroxy poly(oxy-1,2-ethanediyl) as a solvent, nor does Kunzler suggest that when α-methyl-ω-hydroxy poly(oxy-1,2-ethanediyl) is used as a solvent, the resulting reactive monomer mixes may be cured below the Tg, of the uncured components in the reactive monomer mix. None of the references disclose or suggest this step. Accordingly, Applicants respectfully submit that the claims as amended, are patentable over Vanderlaan et al. or Marmo et al. in view of Kunzler.

As discussed above, none of the references cited disclose or suggest degassing the reactive monomer mix at about room temperature. Accordingly, Applicants respectfully submit that new claims 17 and 18 are patentable in view of Vanderlaan et al. or Marmo et al. in view of either Wichterle or Kunzler.

VI. Conclusions

Applicants respectfully submit that the foregoing amendments and arguments have traversed the Examiner's rejections. Withdrawal of the rejections and allowance of the claims as amended is respectfully requested.

Respectfully submitted,

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